

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Williams,

Civil No. 09-313 (RHK/JSM)

Petitioner,

ORDER

v.

Sgt. Daniel Berkhoel,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated February 19, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge and upon all of the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
 2. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is summarily **DENIED**;
 3. Petitioner's application to proceed in forma pauperis (Doc. No. 2) is **DENIED**;
- and
4. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: March 17, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge